

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 14, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DARCEY D.,

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:21-CV-00273-TOR

REPORT AND RECOMMENDATION

Plaintiff filed an Application to Proceed *In Forma Pauperis* on September 13, 2021. ECF No. 2. The alleged household income exceeds what the Court deems to be the income of an indigent household. Therefore, Plaintiff's household has sufficient means to cover the cost of the filing fee and administrative fee.

Accordingly, **IT IS RECOMMENDED:**

1. Plaintiff's Application to Proceed *In Forma Pauperis* (ECF No. 2) be **DENIED**.

2. Plaintiff be required to pay the filing fee and administrative fee in full within thirty (30) days of an Order adopting this Report and Recommendation.

OBJECTIONS

Any party may object to a magistrate judge's proposed findings, recommendations or report within fourteen (14) days following service with a copy

1 thereof. Such party shall file written objections with the Clerk of the Court and
2 serve objections on all parties, specifically identifying any the portions to which
3 objection is being made, and the basis therefor. Any response to the objection
4 shall be filed within fourteen (14) days after receipt of the objection. Federal Rule
5 of Civil Procedure 6(d) adds additional time after certain kinds of service.

6 A district judge will make a de novo determination of those portions
7 objected to and may accept, reject, or modify the magistrate judge's determination.
8 The judge need not conduct a new hearing or hear arguments and may consider the
9 magistrate judge's record and make an independent determination thereon. The
10 judge may, but is not required to, accept or consider additional evidence, or may
11 recommit the matter to the magistrate judge with instructions. *United States v.*
12 *Howell*, 231 F.3d 615, 621 (9th Cir. 2000); 28 U.S.C. § 636(b)(1)(B) and (C); FED.
13 R. CIV. P. 72(b)(3); LMJR 2(c), Local Magistrate Judge Rules for the Eastern
14 District of Washington. A magistrate judge's recommendation cannot be appealed
15 to a court of appeals; only the district judge's order or judgment can be appealed.

16 The Clerk of the Court is directed to file this Report and Recommendation
17 and provide a copy to Plaintiff.

18 DATED September 14, 2021.



A handwritten signature in black ink, appearing to read "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE